

**MUNICIPAL CODE  
TITLE 14  
SUBDIVISION**

## **TITLE 14**

### **SUBDIVISIONS**

#### **CHAPTERS:**

- |        |  |
|--------|--|
| 14.01  | Title.   |
| 14.02  | Purpose and intent.  |
| 14.03  | General procedures, interpretation, administration and enforcement.          |
| 14.04  | Definitions.   |
| 14.05  | Property line adjustment.  |
| 14.06  | Parcel split.  |
| 14.07  | Resubdivision and vacation procedures.                                       |
| 14.08  | Minor subdivision.   |
| 14.09  | Major subdivision.   |
| 14.09A | Residential estates subdivisions.  |
| 14.10  | Cluster subdivision.   |
| 14.11  | Preliminary plan.  |
| 14.12  | Completion of required improvements, performance and maintenance guarantees. |
| 14.13  | Final plat.  |
| 14.14  | Subdivision design and required improvements.                                |

## CHAPTER 14.01

### TITLE

#### SECTIONS:

14.01.010 Title.

**14.01.010 Title.** This title shall be known and may be cited as the "subdivision ordinance of the city of Council Bluffs, Iowa."



## CHAPTER 14.02

### PURPOSE AND INTENT

#### SECTIONS:

14.02.010 Purpose and intent.

**14.02.010 Purpose and intent.** The subdivision ordinance for the city of Council Bluffs, Iowa, has been adopted for the following purposes:

01. To protect and provide for public health, safety, and the general welfare of the city.
02. To promote preservation of the natural beauty and topography of the city and to insure appropriate development with regard to these natural features.
03. To secure the rights of the public with respect to public lands and waters.
04. To guide future growth and development of the city in accordance with the comprehensive plan.
05. To promote an orderly sequence of subdivisions throughout the city and extending from the city limits.
06. To control the scattering and premature platting of lots beyond the effective operating range of existing public utilities and improvements.
07. To establish procedures for subdivision development and minimum standards for design and construction, in order to further the orderly layout and use of land.
08. To cause the cost of design and installation of improvements in subdivisions to be borne by the developer rather than by the direct or indirect burden upon property owners beyond the limits of the subdivision.
09. To provide a common ground for understanding and a sound working relationship between the city and the developer.

## CHAPTER 14.03

### GENERAL PROCEDURES, INTERPRETATION, ADMINISTRATION & ENFORCEMENT

#### SECTIONS:

14.03.010	General procedures.
14.03.020	Interpretations.
14.03.030	Initial conference.
14.03.040	Public hearings.
14.03.050	Severability.
14.03.060	Fees.
14.03.070	Refunds.
14.03.080	Penalties.

**14.03.010 General Procedures.** The owner of any parcel of land within the city of Council Bluffs or within two miles of the city of Council Bluffs or within two miles of the corporate limits which is subject to the policies contained in the two mile limit policy agreement between the city and Pottawattamie County, who acts to create a subdivision with respect to such parcel of land, shall first commence proceedings under this title and shall comply with all other applicable ordinances. After city planning commission consideration and recommendation, the city council may, by resolution, waive its right to review a subdivision if the parcel of land to be subdivided extends from within the area subject to the city's review into an area that is more than two miles distance from the city's corporate limits. A certified copy of the resolution waiving the subdivision's review shall be recorded by the subdivider with the plat pursuant to Chapter 409A.9, Code of Iowa. No building permit shall be issued for construction on any parcel of land where subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance and improvements required by this ordinance have been accepted by the city or an acceptable performance guarantee filed with the city clerk. (Ord. 5250, § 1, 2/26/1996)

**14.03.020 Interpretation.** The provisions of this title shall be interpreted to be the minimum requirements for subdivision design. Where this title imposes more restrictive requirements than those imposed by other provisions of law, the provisions of this title shall control. Nothing herein shall interfere with any requirements more restrictive than those imposed by this title.

**14.03.030 Initial conference.** A subdivider shall begin under this title by submitting to the community development department reasonable quality sketch plans and data showing ideas and intentions pertinent to the proposed subdivision. The community development director shall have an initial conference with the subdivider to review the sketch plan in terms of the objectives and regulations of this title and to advise of

possible limitations or deficiencies in the proposal. Upon the conclusion of the initial conference, the subdivider shall be directed to submit an application for subdivision plan review unless the subdivision is exempt as provided in this title.

**14.03.040 Public hearings.** Prior to making a recommendation on a major subdivision, or variance from this title, the city planning commission shall hold a public hearing, notice of which shall be published in a newspaper of general circulation in the city, not less than five nor more than fifteen days prior to the date set for hearing.

**14.03.050 Severability.** The provisions of this title are hereby declared to be severable. If any section, sentence, clause or phrase of this title shall be adjudged by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this title.

**14.03.060 Fees.** An application under this title shall be accompanied by a fee as set forth in the prevailing schedule of fees as most recently adopted by the council of the city of Council Bluffs, Iowa.

**14.03.070 Refunds.** Whether any matter for which a fee was paid as provided in this chapter is granted or denied by either the community development director, planning commission or the city council, the applicant shall not be entitled to a refund of the fee paid.

**14.03.080 Penalties.** Any person, firm, partnership, corporation or any legal entity found guilty of a violation of any of the provisions of this chapter shall upon conviction be subject to a fine not exceeding one hundred dollars or be imprisoned for a term not exceeding thirty days, each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

## CHAPTER 14.04

### GENERAL DEFINITIONS

#### SECTIONS:

14.04.010	Definitions.
14.04.020	Abutting.
14.04.030	Alley.
14.04.040	Block.
14.04.050	Building line.
14.04.060	City.
14.04.070	City council.
14.04.080	City engineer.
14.04.090	City planning commission.
14.04.100	Cluster lot.
14.04.110	Cluster subdivision.
14.04.120	Common open space.
14.04.130	Comprehensive plan.
14.04.140	Community development department.
14.04.150	Community development director.
14.04.160	Construction plans.
14.04.170	Design standards.
14.04.180	Easement.
14.04.190	Flood hazard area.
14.04.200	Floodway.
14.04.210	Improvements.
14.04.220	Lot.
14.04.230	Owner.
14.04.240	Pedestrian way.
14.04.250	Performance guarantee.
14.04.260	Plat.
14.04.270	Preliminary plan.
14.04.280	Protective covenant.
14.04.290	Registered land surveyor.
14.04.300	Registered professional engineer.
14.04.310	Right-of-way.
14.04.320	Resubdivision/replat.
14.04.330	Street.
14.04.340	Subdivider.
14.04.350	Subdivision.
14.04.360	Utilities.
14.04.370	Vacation.

**14.04.010 Definitions.** For the purpose of this title the following words, terms, phrases, and their derivations shall have the meaning given in this section. When not consistent with the context, words used in the present tense include the future. Words in the plural



number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

**14.04.020 Abutting.** "Abutting" means having a common boundary. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway or body of water shall not be construed as abutting herein.

**14.04.030 Alley.** "Alley" means a narrow right-of-way extending through a block and designed primarily for vehicular access to the rear or side of a property which otherwise abuts on another street.

**14.04.040 Block.** "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad right-of-ways, rivers, tracts of public land, or a combination thereof.

**14.04.050 Building line.** "Building line" means a line on a plat between which line and a public right-of-way line no structures may be erected.

**14.04.060 City.** "City" means the city of Council Bluffs, Iowa.

**14.04.070 City council.** "City council" means the city council of the city of Council Bluffs, Iowa.

**14.04.080 City engineer.** "City engineer" means a professional engineer registered in the State of Iowa designated as city engineer by the city of Council Bluffs, Iowa.

**14.04.090 City planning commission.** "City planning commission" means the city planning commission of Council Bluffs, Iowa.

**14.04.100 Cluster lot.** "Cluster lot" means one of a group of three or more lots, each of which must abut common or dedicated ground on one or more sides and does not necessarily front on a dedicated street.

**14.04.110 Cluster subdivision.** "Cluster subdivision" means a subdivision permitting dwellings to be clustered or grouped together on smaller lots including provisions for additional open space.

**14.04.120 Common open space.** "Common open space" means undivided land in a subdivision which is jointly owned by all property owners of the subdivision, for the enjoyment and benefit of the owners and occupants of the individual building sites of said development.

**14.04.130 Comprehensive plan.** "Comprehensive plan" means a general plan for the improvement and development of the city of Council Bluffs and adjoining areas as adopted by the city planning commission and city council.

**14.04.140 Community development department.** "Community development department" means the department of the municipal government of the city of Council Bluffs consisting of the community development director and required subordinate employees.

**14.04.150 Community development director.** "Community development director" means the administrative head of the community development department.

**14.04.160 Construction plans.** "Construction plans" means the maps or drawings prepared by a registered professional engineer showing the specific location and design of improvements to be installed in the subdivision in substantial accordance with the requirements of the city engineer and the conditions of the approval of said plan.

**14.04.170 Design standards.** "Design standards" means guides, principles and specifications for the preparation of subdivision plans indicating the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

**14.04.180 Easement.** "Easement" means a grant by the property owner for a specific use of said land to the public generally, or to a person or persons.

**14.04.190 Flood hazard area.** "Flood hazard area" is land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, also known as the one hundred year flood.

**14.04.200 Floodway.** "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one foot.

**14.04.210 Improvements.** "Improvements" mean changes to land necessary to prepare it for building, including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, water and sanitary sewer lines (including fire hydrants) and other public works and appurtenances.

**14.04.220 Lot.** "Lot" means a portion of a subdivision or other parcel of land, intended as a unit for transfer of ownership, lease or for development.

- 01) Corner lot. "Corner lot" means a lot situated at the intersection of two streets.
- 02) Double frontage lot. "Double frontage lot" means any lot which is not a corner lot which abuts two streets.
- 03) Interior lot. "Interior lot" means a lot other than a corner lot or a double frontage lot.

**14.04.230 Owner.** "Owner" means any person, individual, firm, association, partnership, corporation, or any other legal entity in whom is invested the title to real estate or an undivided interest therein, except that, where there is both a legal owner and an equitable owner as to the same real estate, then "owner" means both the equitable owner and the legal owner; where there is a life estate with vested remaindermen, then "owner" means both the life tenant and the vested remaindermen. The term shall not include any option holder, lessee, mortgagee or assignee for security purposes.

**14.04.240 Pedestrian way.** "Pedestrian way" means a right-of-way across or within a block for use by pedestrian traffic.

**14.04.250 Performance guarantee.** "Performance guarantee" means contract between the city and a subdivider which assures that the subdivider will bear the cost for all required infrastructural improvements and maintenance to said improvements.

- 01) Performance bond. "Performance bond" means a kind of insurance, in the form of a bond payable to the city, in the amount determined necessary by the city engineer to complete the required improvements in the event the subdivider fails to do so.
- 02) Escrow account. "Escrow account" means a bank account that the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash in an amount determined necessary by the city engineer to complete the required improvements in the event that the subdivider fails to do so. An escrow account is payable to the city on demand.
- 03) Letter of Credit. "Letter of Credit" means a letter of credit secured by the subdivider from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the subdivider fails to do so. The amount of the letter of credit shall be determined by the city engineer and shall be payable to the city on demand.

**14.04.260 Plat.** "Plat" means a survey on which a subdivider's plan for subdivision of land is presented in final form for approval and is recorded thereafter.

**14.04.270 Preliminary plan.** "Preliminary plan" means a drawing on which a subdivider's plan for subdivision is presented for preliminary review.

**14.04.280 Protective covenants.** "Protective covenants" means contracts entered into between private parties and which constitute restrictions of all private property within the subdivision for the benefit of property owners against the lessening of property values.

**14.04.290 Registered land surveyor.** "Registered land surveyor" means a land surveyor properly licensed and registered in the state of Iowa.

**14.04.300 Registered professional engineer.** "Registered professional engineer" means an engineer properly licensed and registered in the state of Iowa.

**14.04.310 Right-of-way.** "Right-of-way" means a strip of land occupied or intended to be occupied by a street, pedestrian way, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, communication facilities or for another special use. Right-of-ways intended for maintenance by a public agency shall be dedicated for public use by the subdivision developer.

**14.04.320 Resubdivision/replat.** "Resubdivision/replat" means any subdivision of land which has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

**14.04.330 Street.** "Street" means a right-of-way dedicated to public use, which affords primary access to the abutting property.

- 01) Major and minor arterial street. "Major and minor arterial street" means streets used primarily to service longer trip desires and high traffic volume corridors, where not served by freeways. Traffic demands for major arterial streets are generally designed to accommodate 15,000 to 35,000 vehicles per day and 5,000 to 15,000 vehicles per day for minor arterial streets.
- 02) Collector street. "Collector street" means streets which connect local streets to the major system of arterial streets and highways, including the principal entrance streets of a subdivision and streets for circulation within a subdivision. Generally, designed to accommodate 2,000 to 5,000 vehicles per day.
- 03) Local street. "Local street" means streets which are used primarily for access to the abutting properties. Generally, designed to accommodate less than 2,000 vehicles per day.
- 04) Frontage street. "Frontage street" means a minor street which parallels an arterial street or highway; and which provides access to abutting properties and protection from through traffic.
- 05) Cul-de-sac. "Cul-de-sac" means a short local street terminating in a vehicular turnaround.

**14.04.340 Subdivider.** "Subdivider" means a person, or that person's agent or representative, who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest. (Ord. 5065, § 1, 2/1992)

**14.04.350 Subdivision.** "Subdivision" means the division of any parcel of land into two or more parcels for the purpose of transfer, lease or development.

- 01) Major subdivision. "Major subdivision" means a subdivision which a new street is being designed or utilities are being extended.
- 02) Minor subdivision. "Minor subdivision" means a subdivision which does not include new street(s) or utility extensions.
- 03) Parcel split. "Parcel split" means the subdivision of any parcel of land into two lots for the purpose of transfer of ownership or building development. The term shall not include a property line adjustment.
04. Property line adjustment. "Property line adjustment" means the subdivision of any parcel of land into two or more parts for the purpose of transfer of ownership, in which no part of the subdivided parcel of land will be transferred to anyone but the owner of land abutting that part of the subdivided parcel. The term includes a subdivision by the city of a vacated street, alley or other public way or area into two or more parts for the purpose of transfer of ownership exclusively to owners of parcels of land abutting the vacated street, alley or other public way or area.

**14.04.360 Utilities.** "Utilities" means systems for the distribution or collection of water, gas, electricity, communication facilities, wastewater, and stormwater.

**14.04.370 Vacation.** "Vacation" means to make void or annul.

## CHAPTER 14.05

### PROPERTY LINE ADJUSTMENT

#### SECTIONS:

- 14.05.010 Exemption from platting requirements.
- 14.05.020 Review criteria.
- 14.05.030 Procedures.
- 14.05.040 Property line adjustment approval.
- 14.05.050 Appeal.
- 14.05.060 City exemption from this section.
- 14.05.070 Recording requirements.

**14.05.010 Exemption from platting requirements.** If the community development director determines that a proposed subdivision qualifies as a property line adjustment, then the property line adjustment shall be exempt from formal platting procedures. (Ord. 5066, § 1, 2/1992)

**14.05.020 Review criteria.** A subdivision of land qualifies as a property line adjustment if the following conditions exist:

- 01. That the land to be subdivided has previously been platted;
- 02. That the land can only be legally transferred to an adjoining land owner;
- 03. That the land proposed for subdivision is not of a size that could be construed as a buildable lot; and
- 04. That the subdivision does not create any nonconformities.

**14.05.030 Procedures.** Once it has been determined by the community development director, after an initial conference with the subdivider, that a proposed subdivision qualifies as a property line adjustment, the subdivider shall submit to the community development department an application, as provided by the community development department, for acceptance or denial of the proposed property line adjustment, together with a receipt for the filing fee. If necessary, at the community development director's discretion, a survey prepared by an Iowa registered land surveyor attached to the application may be required.

**14.05.040 Property line adjustment approval.** The community development director shall approve the property line adjustment if the same conforms to all applicable ordinances and resolutions of the city of Council Bluffs and all applicable laws, rules and regulations of the state of Iowa and duly constituted agencies thereof.

**14.05.050 Appeal.** The determination of the community development director shall be final and shall not be appealable.

**14.05.060 City exemption from this section.** The city shall be exempt from the requirements of this section.

**14.05.070 Recording requirements.** The community development director or his or her designee shall record the approved property line adjustment with the Pottawattamie County Recorder's office within five working days after its approval. The community development department shall send the subdivider a copy of the recorded property line adjustment by regular mail. The subdivider shall not convey, nor the Pottawattamie County Auditor transfer, either of the resulting two parcels of land until the property line adjustment is recorded. The subdivider or the city may vacate a property line adjustment by following the procedures set out in Chapter 14.07 of this title. (Ord. 5066, § 2, 2/1992)

## CHAPTER 14.06

### PARCEL SPLIT

#### SECTIONS:

14.06.010	Exemption from platting requirements.
14.06.020	Review criteria.
14.06.030	Procedures.
14.06.040	Parcel split approval.
14.06.050	Appeal.
14.06.060	City planning commission action.
14.06.070	City exemption from this section.
14.06.080	Recording requirements.

**14.06.010 Exemption from platting requirements.** If the community development director determines that a proposed subdivision qualifies as a parcel split, then the parcel shall be exempt from formal platting procedures.

**14.06.020 Review criteria.** Due to the unique characteristics of each parcel split request, it shall be up to the interpretation of the community development director whether or not a proposed parcel split serves the purpose and intent of this ordinance and all other applicable resolutions and ordinances adopted by the city.

**14.06.030 Procedures.** Once it has been determined by the community development director, after an initial conference with the subdivider, that a proposed subdivision qualifies as a parcel split, the subdivider shall submit an application, as provided by the community development department, for acceptance or denial of the proposed parcel split, together with a receipt for the filing fee.

**14.06.040 Parcel split approval.** The community development director shall approve the parcel split if the same conforms to all applicable ordinances and resolutions of the city of Council Bluffs and all applicable laws, rules and regulations of the state of Iowa and duly constituted agencies thereof. Upon the community development director's written approval of a parcel split, the subdivider shall then submit to the community development department a survey prepared by an Iowa registered land surveyor who shall be responsible for preparing such survey in full conformance with the requirements of the Iowa Code.

**14.06.050 Appeal.** In the event that the community development director does not approve a parcel split application, the subdivider has the right to appeal the community development director's decision to the planning commission by filing a written appeal with the community development department within thirty days of the date of said denial. If the appeal is filed within the time prescribed, then the community development director shall set the appeal hearing before the planning commission for its consideration.



**14.06.060 City planning commission action.** If the planning commission reverses the decision of the community development director, then he shall be instructed by the planning commission chairman to approve said parcel split. Whether the planning commission affirms or reverses the community development director's decision, such determination shall be final and shall not be appealable.

**14.06.070 City exemption from this section.** The city shall be exempt from the requirements of this section.

**14.06.080 Recording requirements.** The community development director or his or her designee shall record the approved parcel split with the Pottawattamie County Recorder's office within five working days after its approval. The community development department shall send the subdivider a copy of the recorded parcel split by regular mail. The subdivider shall not convey, nor the Pottawattamie County Auditor transfer, either of the resulting two parcels of land until the parcel split is recorded. The subdivider or the city may vacate a parcel split by following the procedures set out in Chapter 4.07 of this title. (Ord. 5067, § 2, 2/1992)

## CHAPTER 14.07

### RESUBDIVISION AND VACATION PROCEDURES

#### SECTIONS:

- 14.07.010 Resubdivisions.
- 14.07.020 Subdivision where resubdivision is imminent.
- 14.07.030 Vacation of plats.

**14.07.010 Resubdivisions.** When there is an alteration proposed in an approved recorded subdivision plat, and that alteration affects street layout, area reserved for public use, property lines, or if it alters any plat created prior to the adoption of any regulations controlling subdivisions, such plat shall be considered a resubdivision of land and shall be reviewed under the same procedures, rules, and regulations as for minor subdivisions as outlined in Chapter 14.08.

**14.07.020 Subdivision where resubdivision is imminent.** Whenever a parcel of land is subdivided and the plat contains one or more lots, containing more than one acre of land, and resubdivision is imminent, the city may require that such lot(s) contain easements to allow for the future opening of streets and the ultimate extension of adjacent streets.

**14.07.030 Vacation procedures.** In addition to the provisions of Chapter 409, Code of Iowa, concerning the vacation of plats, the following shall apply:

01. Any subdivision plat or portion thereof may be vacated by the owner or by the city in the event there has been no sale of any lot within the plat or a portion thereof within five years from the date of final plat approval by the city council.
02. Any vacation of a plat shall be made by written instrument, to which a copy of such plats attached, declaring the same to be vacated. Such instrument shall be approved by the city council.
03. The city council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
04. Such an instrument shall be executed, approved and recorded in a like manner as plats of subdivisions; and being duly recorded shall operate to annul the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds dedicated to the city as set forth on the final plat. If the city council approves such vacation where the city had acquired an interest, by deed, in any property proposed to be dedicated to the city as set forth on the final plat, the city shall reconvey such interest, by deed, to the applicant, property owner or his or her successor in interest.



## CHAPTER 14.08

### MINOR SUBDIVISION

#### SECTIONS:

- 14.08.010 Exemption from major subdivision requirements.
- 14.08.020 Review criteria.
- 14.08.030 Procedures.
- 14.08.040 Minor subdivision final plat.
- 14.08.050 Minor subdivision final plat approval.
- 14.08.060 Recording of the minor subdivision final plat.

**14.08.010 Exemption from major subdivision requirements.** If the community development director determines that a proposed subdivision qualifies as a minor subdivision, then the minor subdivision shall be exempt from major subdivision requirements and procedures of this title.

**14.08.020 Review criteria.** A subdivision of land qualifies as a minor subdivision if the following conditions exist:

01. All of the proposed lots abut on an "improved" dedicated public street constructed of a concrete or bituminous surface.
02. No new street, public or private, within the subdivision is proposed.
03. The city sanitary sewer and water supply and distribution systems have already been extended to permit service connections to each proposed lot.
04. That there is a fire hydrant located within the distance required by the uniform fire code.

**14.08.030 Procedures.** Once it has been determined by the community development director, after an initial conference with the subdivider, that a proposed subdivision qualifies as a minor subdivision, the subdivider shall submit an application, as provided by the community development department, 5 mylars of the final plat 18 inches by 24 inches in size or the metric equivalent, 10 copies and 1 reduced to 8 1/2" x 11 " or 8 1/2" x 14" copy or the metric equivalent, and a receipt for the filing fee. (Ord. 5133, § 1, 5/1993)

**14.08.040 Minor subdivision final plat.** A minor subdivision plat shall be prepared and certified by an Iowa registered land surveyor in accordance with Chapter 14.12 of this title.

#### **14.08.050 Minor subdivision final plat review procedures.**

01. The community development director shall review the minor subdivision final plat to assure that it is in full conformance with the letter and intent of these regulations and all applicable ordinances and resolutions of the city of Council Bluffs and all applicable laws, rules, and regulations of the state of Iowa and duly constituted agencies thereof, and shall set the final plat for public hearing before the city council at their next available meeting. At the community development director's discretion, the final plat may be placed on the next regularly scheduled city planning commission meeting for review and recommendation on the final plat prior to city council review.
02. In the event that the community development director does not recommend approval of the minor subdivision application, the subdivider has the right to appeal the community development director's recommendation to the planning commission by filing a written appeal with the community development department within thirty day of the date of said recommendation for denial. If the appeal is filed within the time prescribed, then the community development director shall set the appeal hearing before the planning commission for its consideration.
03. Copies of the community development director's comments and recommendation(s) and/or planning commission's, if necessary, shall be submitted to the city council prior to their public hearing.
04. After receiving the recommendation of the community development director and/or the planning commission's, if necessary, the city council may give final approval of the plat. If the community development director and/or the planning commission had recommended denial, the city council may only approve the plat by a majority vote of the total membership of the city council. Final approval of any plat shall be the responsibility of the city council and shall be adopted by resolution.

**14.08.060 Recording of the minor subdivision final plat.** A minor subdivision final plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety days of its approval. If a minor subdivision final plat is not recorded within this time period, the plat shall be null and void unless an extension of time has been requested by the subdivider and approved by the community development director. (Ord. 5133, § 2, 5/1993)

### **CHAPTER 14.09**

#### **MAJOR SUBDIVISIONS**

##### **SECTIONS:**

- 14.09.010 Major subdivisions.

#### 14.09.020 Procedures.

**14.09.010 Major subdivisions.** A subdivision of land that does not qualify as a property line adjustment, parcel split, resubdivision or minor subdivision, shall be classified as a major subdivision.

#### **14.09.020 Procedures.**

01. Once it has been determined by the community development director, after an initial conference with the subdivider, that a proposed subdivision of land qualifies as a major subdivision, the subdivider shall submit an application, as provided by the community development department, a preliminary plan as set forth in Chapter 14.11, and a receipt for the filing fee.

## CHAPTER 14.09A

### RESIDENTIAL ESTATES SUBDIVISIONS

#### SECTIONS

- 14.09A.010 Residential estates subdivision.
- 14.09A.020 Procedures.
- 14.09A.030 Exceptions.
- 14.09A.040 Common space.
- 14.09A.050 Maintenance of common space.
- 14.09A.060 Sanitary system.
- 14.09A.070 Location requirements.

**14.09A.010 Residential estates subdivision.** The purpose and intent of this chapter is to permit the subdivision development of residential estates utilizing individual sanitary systems in areas of the city of Council Bluffs zoned RE/Residential Estates. Residential estates subdivisions shall be permitted in areas in which sanitary sewer service is deemed to be impractical due to topography or capacity of the existing system. A residential estates subdivision may permit private pedestrian and vehicular access to lots versus public pedestrian and vehicular access common to other types of subdivisions. This chapter shall not be applied to any other chapter. However, other chapters of Title 14 apply to residential estates subdivisions with the exception of Chapter 14.10 "Cluster Subdivisions" or other exceptions as stated in this chapter.

**14.09A.020 Procedures.** Once it has been determined by the community development director, after an initial conference with the subdivider, that a proposed subdivision qualifies as a residential estates subdivision, the subdivider shall submit an application, as provided by the community development department, for either minor subdivision final plat as set forth in Chapter 14.08 or preliminary plan for a major subdivision as set forth in Chapter 14.09, and receipt of the filing fee.

**14.09A.030 Exceptions.** In connection with residential estates subdivision, the following exceptions may be approved by the city planning commission and city council:

01. Exceptions to the requirements and regulations relating to subdivision design and required improvements:
  - (a) Sidewalks. The installation of sidewalks may be waived for residential estates subdivisions.
  - (b) Sanitary sewer. The requirement to extend sanitary sewer to serve each lot in the subdivision may be waived. The use of individual sanitary systems shall be permitted in accordance with Chapter 4.32 "Private Sewage Disposal Systems" of the Municipal Code of the city of Council Bluffs, Iowa.

02. Exceptions to the requirements and regulations relating to lot layout:

- (a) Lots may abut a private street subject to the provisions contained in Sections 14.09A.040 and 14.09A.050 of this chapter. Private streets may be constructed without curb and gutter if it is determined that adequate storm water drainage can be established. Design criteria for storm drainage contained in the standards for public improvements most recently adopted by the city shall be utilized to make this determination.

**14.09A.040 Common space.** The subdivider may provide for open space, common ground, community recreation or private access for the benefit of dwelling units in the development.

**14.09A.050 Maintenance of common space.** The subdivider shall submit with the final plat a "Declaration of Covenants, Conditions and Restrictions" regarding the permanent maintenance of the open space, common ground, community recreation or private access. The declarations of covenants and restrictions shall be filed and recorded with the county recorder and shall be a portion of each abstract of title on the lots of said subdivision. No exception to the requirements shall be permitted unless the city council determines that the subdivider has provided for adequate upkeep and maintenance of open space, common ground, community recreation or private access areas.

**14.09A.060 Sanitary system.** The subdivider shall provide adequate information to determine the appropriate private sanitary systems to be utilized for the development of each individual lot within the subdivision. The criteria contained in Chapter 4.32 of the Municipal Code of the City of Council Bluffs shall be utilized to make this determination. This determination may require specific engineering and design requirements for private sanitary systems, additional lot size, or other measures as deemed appropriate.

**14.09A.070 Location requirement.** Residential estates subdivisions shall be permitted only in the RE/Single Family Residential Estates District, pursuant to Chapter 15.07A of the Municipal Zoning Ordinance. Residential estates subdivisions shall not be permitted in any other zoning district. All residential estates subdivisions shall be located within the corporate limits of the city of Council Bluffs. (Ord. 5217, 5/8/1995)



## CHAPTER 14.10

### CLUSTER SUBDIVISIONS

#### SECTIONS:

- 14.10.010 Cluster subdivisions.
- 14.10.020 Procedures.
- 14.10.030 Exceptions.
- 14.10.040 Provision of common open space.
- 14.10.050 Maintenance of common open space.

**14.10.010 Cluster subdivisions.** The purpose and intent of this chapter is to permit the subdivision development of cluster lots. In cluster subdivisions, lots and structures shall be permitted to be clustered or grouped. This concept of clustering shall be permit more usable open space, common ground or recreational areas. Also, the cluster subdivision may permit private pedestrian and vehicular access to dwellings versus public pedestrian and vehicular access common to other types of subdivisions. This chapter is an entity unto itself and may not be applied to any other chapter. However, all other chapters of Title 14 apply to cluster subdivisions unless excepted by this chapter.

**14.10.020 Procedures.** Once it has been determined by the community development director, after an initial conference with the subdivider, that a proposed subdivision qualifies as cluster subdivision, the subdivision, the subdivider shall submit an application, as provided by the community development department, a minor subdivision final plat as set forth in Chapter 14.08 or preliminary plan for major subdivision as set forth in Chapter 14.09, and a receipt for the filing fee.

**14.10.030 Exceptions.** In connection with cluster subdivisions, the following exceptions may be approved by the planning commission and approved by the city council as follows:

01. Exceptions to the requirements and regulations relating to lot size and shape may be permitted when:
  - (a) An open space, common ground, recreational area is to be provided for the use and the benefit of the dwelling units in the development; and
  - (b) The total land area of the development divided by the total number of family dwelling units provides an average land area per family dwelling unit equal to or more than that required by the regulations of the zoning district or districts in which the development is to be located. Total land area of the development shall include the land area of open space, common ground, or recreational areas, but shall not include any land area being set aside for street rights-of-way; and,

- (c) All cluster lots and dwelling units must abut and have access to open space, common ground, or recreational area.
- 02. Exceptions to the requirements that cluster lots abut and have access to a public street may be permitted when:
  - (a) Adequate and permanent access by easement from a public street to each cluster lot is provided for pedestrian and vehicular traffic; and,
  - (b) Adequate and permanent off-street parking areas shall be provided for each cluster lot.

**14.10.040 Provisions of common open space.** As a condition of approving the cluster subdivision and permitting exceptions to the standard subdivision requirements, the subdivider shall provide an open space, common ground, recreational area for the benefit of dwelling units in the development.

**14.10.050 Maintenance of common open space.** As a condition of approving the cluster subdivision and permitting exceptions to the standard subdivision requirements, the subdivider shall submit with final plat a "Declaration of Covenants, Conditions and Restrictions" regarding the permanent maintenance of the open space, common ground, or recreational areas and the declarations of covenants and restrictions shall be filed and recorded with the county recorder and shall be a portion of each abstract of title on the lots of said cluster subdivision. No exception to the requirements shall be permitted unless the city council determines that the subdivider has adequately provided for such upkeep and maintenance of open space, common ground or recreational areas.

## CHAPTER 14.11

### PRELIMINARY PLAN

#### SECTIONS:

- 14.11.010 Exemptions from this chapter.
- 14.11.020 Application for preliminary plan review.
- 14.11.030 Letter of intent.
- 14.11.040 Variances.
- 14.11.050 Preliminary plan(s).
- 14.11.060 Preliminary plan review procedures.

**14.11.010 Exemptions from this chapter.** Property line adjustments, parcel splits, resubdivisions and minor subdivisions are exempt from the requirements of this chapter.

**14.11.020 Application for preliminary plan review.** An application for preliminary plan review shall be submitted to the community development department at least four weeks prior to the planning commission meeting at which the preliminary plan is to be reviewed. The preliminary plans shall be prepared and signed by an Iowa registered professional engineer and submitted to the community development department together with an application form and receipt for the filing fee. The plans shall be considered as officially filed after it has been examined by the community development director and found to contain the information essential for proper review. Lack of complete information shall be deemed cause for refusal of official filing. The community development director shall notify the subdivider within seven days of receiving the proposed plan of any necessary information that is not provided.

The following shall be submitted with the preliminary plan application:

- 01. A letter of intent.
- 02. Ten copies of the preliminary plan(s) and 1 reduced (8 1/2" x 11" or 8 1/2" x 14") copy of the proposed plat.
- 03. A receipt for the filing fee as set forth in the most current schedule of fees.

**14.11.030 Letter of intent.** The letter of intent should include specifically what improvements are proposed to serve the subdivision and what variance(s) from this title, if any, are being sought and the related hardship.

**14.11.040 Variance(s).** Where a variance from a requirement of this title is being requested, such request shall be reviewed along with the preliminary plan(s) by the planning commission and council. The following shall be considered:

01. Where it can be shown that due to special conditions, a literal enforcement of the ordinance will result in an unnecessary hardship, the city shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:
  - (a) not be contrary to the public interest;
  - (b) be in the best interest of the city;
  - (c) be within the spirit and intent of this title;
  - (d) not be detrimental to the future residents in and near the proposed subdivision;
  - (e) be consistent with the city's comprehensive plan.
02. It is intended that the standards for review of a variance request from a requirement of this title be the same as those standards for review of a variance request from a requirement of the zoning ordinance. The city shall have the power to attach conditions to the variance if such conditions are necessary to protect the public interest and to carry out the purpose of this title.

**14.11.050 Preliminary plan(s).** The preliminary subdivision plan(s) shall be prepared and certified by an Iowa registered professional engineer. The plan(s) shall include at a minimum the following information:

01. The subdivision name and legal description of the subdivision boundary.
02. A north point, scale, bar scale and date. The scale shall be 1"= 100'.
03. The names and addresses of the owner, subdivider and engineer preparing the plan.
04. A location map at a scale of not less than 1"= 2,000' showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas.
05. Existing and proposed zoning of the subdivision and existing zoning on adjacent tracts.
06. All established floodway or floodway fringe encroachment limits.

07. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development.
08. Location and size of any sites to be considered for dedication to public use.
09. Layout, numbers and dimensions of each lot.
10. The location, width, name, grade and typical cross-sections of all proposed streets within the subdivision and the width and name of any existing platted street within two hundred feet thereof.
11. The location and width of other public ways, railroad right-of-ways, utility and all other easements, existing or proposed within the subdivision and within two hundred feet thereof.
12. The location of existing buildings within the subdivision and existing buildings in the projected alignment of streets outside the proposed subdivision within two hundred feet.
13. Existing contour intervals of not more than five feet. When the subdivision exceeds ten acres in area, contains unique conditions or unusual topographical features, closer contour lines may be required.
14. All existing and proposed underground installations within the proposed subdivision or adjacent thereto or the location of the nearest available facilities.

**14.11.060 Preliminary plan review procedures.** The following procedure will be followed in processing preliminary plans:

01. After the preliminary plan application and all other supplemental information has been officially filed, the community development department shall transmit copies of the plan to the following for review and comment:

Fire Department  
Public Works  
Health Department  
Legal Department  
Parks and Recreation  
Building Division  
Peoples Natural Gas  
Council Bluffs Water Works

Iowa Power & Light Company  
U.S. West Communications  
American Heritage Cablevision  
Appropriate school district  
County Planning and Engineering  
Office if necessary  
Soil Conservation Service

Written comments and recommendations from the above shall be forwarded back to the community development department.

02. The preliminary plan will be set for public hearing before the planning commission at their next available meeting if it is found to comply with this title. If the preliminary plan does not comply with this title the subdivider will be notified of the deficiencies. Upon notification, the subdivider will have the option to amend the plan or request a variance from the respective requirement(s). A fee as set forth in the current schedule of fees shall be required for each variance sought.
03. Copies of the community development department's comments and recommendations shall be submitted to the planning commission prior to the public hearing.
04. The planning commission shall forward their recommendation(s) to the city council after the public hearing. The city council shall consider the community development department's recommendation(s) and the commission's recommendation(s) at their next available meeting and make a final decision regarding the preliminary plan. Approval of the preliminary plan by the commission and/or council shall be tentative and not constitute final acceptance of the final plat, but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat.
05. Within one year from the day the council approves a preliminary plan, the subdivider shall apply for final plat approval, or the first part thereof if phased. If the subdivision is phased, the subdivider shall apply for final plat approval of the second phase within two years, the third phase within three years, the fourth phase and the balance thereof within five years from the date the preliminary plan was approved by the city council. If the subdivider fails to apply for final plat approval within the appropriate time period, the preliminary plan, or remaining phase thereof, shall be void unless the subdivider requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.
06. The commission may grant one year extensions from the date required for submission of a final plat or any part thereof if phased. If a subdivider applies for an extension of time for submission of any part of a phased subdivision, which is subsequently granted by the commission, equal extensions are automatically granted for each of the remaining phases. If the commission refused to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof if phased, to the commission within the appropriate time originally required or sixty days from the day the extension is denied by the commission. In

reviewing a request for extension of time, the commission shall consider whether the subdivision is in compliance with the subdivision ordinance, standards for public improvements, comprehensive plan, and all applicable ordinances and resolutions of the city of Council Bluffs." (Ord. 5039 § 1, 7/1991)

## CHAPTER 14.12

### COMPLETION OF REQUIRED IMPROVEMENTS, PERFORMANCE AND MAINTENANCE GUARANTEES

#### SECTIONS:

14.12.010	Completion of required improvements.
14.12.020	Responsibility for improvements.
14.12.030	Permits.
14.12.040	Deadline for improvements.
14.12.050	Final construction plans.
14.12.060	Approval.
14.12.070	Performance guarantees.
14.12.080	Construction of required improvements.
14.12.090	Acceptance of required improvements.
14.12.100	Maintenance bonds.

**14.12.010 Completion of required improvements.** Upon city council approval of a preliminary subdivision plan and prior to application for final plat approval, the subdivider may either: 1) construct and install the required improvements; 2) post a performance guarantee for the total cost of the improvements; or 3) construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.

**14.12.020 Responsibility for improvements.** The subdivider is responsible for all required improvements until released after final inspection and approval by the city engineer.

**14.12.030 Permits.** The developer, subdivider or appointed subcontractor(s) must obtain the proper permits prior to installing the necessary improvements through all phases of development. These permits include but may not be limited to excavation, grading, utility extensions, building, paving, and sidewalks. The subdivider must obtain a construction permit from the Iowa Department of Natural Resources for sanitary sewer extension before construction begins.

**14.12.040 Deadline for improvements.** Construction of required improvements must be completed within one year of preliminary plan approval of a subdivision or the first phase thereof, if phased. If a subdivider chooses to post a performance guarantee in lieu of constructing the required improvements, the required improvements must be completed within two years from the date of approval of the final plat by the council. Forfeiture, to the city, of the performance guarantee will result if the improvements are not completed in this time.



**14.12.050 Final construction plans.** All construction shall be in accordance with city standards and specifications. Two blue-line sets of the final construction plans from which specific construction work in the subdivision can proceed shall be prepared, signed and sealed by an Iowa certified professional engineer and shall contain at least the following information in suitable combined form:

01. Storm water design calculations and construction drawings of proposed streets and the storm drainage system showing the grade of the centerline of the streets, the drainage structures, culverts and such information necessary to show the disposition of surface water.
02. Sanitary sewer design calculations, plans and profile drawings.
03. Plans and profiles of streets at a scale of 1"= 50' horizontal and 1'= 5', vertical.

**14.12.060 Approval.** These construction plans shall be consistent with the proposed preliminary plan and shall be filed with the city engineer for review and approval, along with the appropriate fee, before construction can begin. This review and approval shall not be construed as a warranty or guarantee of the plans as implemented. After review by the city engineer, the construction documents shall be resubmitted with corrections made.

**14.12.070 Performance guarantees.** The following types of performance guarantees will be the only ones acceptable to the city in lieu of actual and immediate construction of any required improvement:

01. Performance bond. A bond payable to the city, in the amount determined necessary by the city engineer to complete the required improvement(s) in the event the subdivider fails to do so.
02. Escrow account. A bank account that the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash in an amount determined necessary by the city engineer to complete the required improvement(s) in the event that the subdivider fails to do so. An escrow account will be made payable to the city upon demand.
03. Letter of credit. A letter of credit, in an amount determined necessary by the city engineer, secured by the subdivider from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvement(s) if the subdivider fails to do so. The letter of credit will be made payable to the city upon demand.

**14.12.080 Construction of required improvements.** It is the responsibility of the subdivider to oversee the construction operations of the required improvements to assure that the minimum standards of the city are met. Therefore the subdivider must provide:

01. Full time construction inspection by a qualified inspector during all major phases of construction. Daily progress reports must be maintained and submitted weekly to the city engineer.
02. Quality control testing shall be performed by the subdivider and the results submitted to the city engineer.

**14.12.090 Acceptance of required improvements.** Prior to acceptance of the required improvements by the city engineer, the subdivider shall provide:

01. A letter of engineer's certification that the work completed was in accordance with approved plans and specifications and meets all applicable city standards.
02. One set of 'as built' mylars and two blueline copies will be required to be submitted to the city engineer prior to approval of the completed construction of the required improvements.

**14.12.100 Maintenance bonds.** At the city engineer's discretion bonds for the maintenance of any required improvements within a subdivision shall be provided for not less than two years from the date when such improvements had been installed, inspected and accepted by the city.

## CHAPTER 14.13

### FINAL PLAT

#### SECTIONS:

- 14.13.010 Exemptions from this chapter.
- 14.13.020 Application for final plat approval.
- 14.13.030 Final plat.
- 14.13.040 Final plat review procedures.
- 14.13.050 Recording of the final plat.

**14.13.010 Exemptions from this chapter.** Property line adjustments and parcel splits are exempt from the requirements of this chapter.

**14.13.020 Application for final plat approval.** An application for final plat approval shall be submitted to the community development department at least four weeks prior to the city council meeting at which the final plat is to be reviewed. The following shall be submitted with the final plat application:

- 01. Five mylars of the final plat at a maximum size of 18 inches by 24 inches or the metric equivalent, 10 copies and 1 reduced copy which is either 8 1/2" x 11" or 8 1/2" x 14" or the metric equivalent.
- 02. A receipt for the filing fee as set forth in the most current schedule of fees.
- 03. A letter from the city engineer which officially accepts either: 1) the completion of the required improvements, or 2) the performance guarantee.
- 04. A copy of the performance guarantee filed with the city clerk, if applicable. (Ord. 5134, § 1, 5/1993)

**14.13.030 Final plat.** The final plat shall be prepared and certified by an Iowa registered land surveyor. The plat shall include, at a minimum, the following information.

- 01. Name of the subdivision, location and extent of the property subdivided, north arrow, bar scale, scale, date and name of the surveyor platting the tract.
- 02. The boundaries of the property, the lines of all streets with their widths and names, and the lines and dimensions of any other portions intended to be dedicated to the public.

03. All dimensions, both linear and angular, necessary for locating lots, tracts, or parcels of ground, streets, and easements and the boundaries of the subdivision; the linear dimensions are to be expressed in feet and one hundredths of a foot.
04. All lot lines and an identification system for all lots and blocks with the figures showing their dimensions.
05. Building lines and easements, both existing and proposed, for any rights-of-way provided for public use, private use, services or utilities, with figures showing their dimensions. For existing easements, record of filing information shall be made on the plat.
06. The location and description of all monuments.
07. Radii, arc dimensions, points of tangency, central angles and curve data for all curves.
08. Statements of certification approval to be signed by the community development director and the mayor as authorized by the council.
09. Where private covenants appear on a separate instrument, reference to such instrument shall be made on the plat, if none, the plat should make note of such.

Documents which are required to accompany the final plat for recording purposes under the provisions of Chapter 409 of the Iowa Code are not required to be submitted to the city with the final plat. The subdivider shall be responsible for presenting such documents to the county recorder in proper form and in full conformance with the requirements of Chapter 409 of the Iowa Code. If the city council approves the final plat, such approval shall not be construed as a certification by the city that the final plat or any accompanying documents conforms to the requirements of Chapter 409 of the Iowa Code.

**14.13.040 Final plat review procedures.** The following procedures will be followed in processing a final plat:

01. After the final plat application and all other supplemental information has been officially filed, the community development department shall transmit copies of the plat to the following for review and comment:

Fire Department

Public Works

Health Department

Legal Department

Parks and Recreation Dept.

Building Division

And local utility providers, including, but not limited to water, natural gas, electricity, telephone and cable television.

Written comments and recommendations from the above shall be forwarded back to the community development department.

02. The community development director shall review the final plat to assure that it is in full conformance with the letter and intent of these regulations and the preliminary plan(s) and shall set the final plat for public hearing before the city council at their next available meeting. At the community development director's discretion, the final plat may be placed on the next regularly scheduled city planning commission meeting for review and recommendation on the final plat prior to city council review.
03. If the community development director recommends denial of the final plat, the subdivider shall have the opportunity to appeal the recommendation to the planning commission by filing a written appeal with the community development department within thirty days of the date of said recommendation for denial. If the appeal is filed within the time prescribed, then the community development director shall set the appeal hearing before the planning commission for its consideration.
04. Copies of the community development director's comments and recommendation(s) and/or the planning commission's, if necessary, shall be submitted to the city council prior to their public hearing.
05. After receiving the recommendation of the community development director, and/or the planning commission's, if necessary, the council may give final approval of the plat and accept all dedications for public use. If the community development director and/or the planning commission, if necessary, had recommended denial, the council may only approve the plat by a majority vote of the whole membership of the city council. Final approval of any plat and areas dedicated for public use shall be the responsibility of the city council and shall be adopted by resolution. (Ord. 5134, § 2, 6/1993)

**14.13.050 Recording of the final plat.** A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the community development department director. (Ord. 5134, § 3, 6/1993)

## **CHAPTER 14.14**

### **SUBDIVISION DESIGN AND REQUIRED IMPROVEMENTS**

#### **SECTIONS:**

- 14.14.010 Subdivision layout.
- 14.14.020 Lot layout.
- 14.14.030 Streets.
- 14.14.040 Sidewalks/crosswalks.
- 14.14.050 Water supply and distribution.
- 14.14.060 Sanitary sewer.
- 14.14.070 Storm sewer.
- 14.14.080 Easements.
- 14.14.090 Larger utility capacity.
- 14.14.100 Monuments.
- 14.14.110 Protective covenants.

#### **14.14.010 Subdivision layout.**

- 01. General. In laying out a subdivision, the subdivider shall conform to the following:
  - (a) All applicable ordinances and resolutions of the city of Council Bluffs.
  - (b) The comprehensive plan of the city of Council Bluffs.
  - (c) All applicable laws, rules and regulations of the state of Iowa and duly constituted agencies thereof.
- 02. Unsuitable land. No land shall be subdivided which is found to be unsuitable for development due to flooding, ponding, poor or inadequate drainage, adverse soil conditions, geological formations or topography, or any other features likely to be harmful to the health, safety or general welfare of the future residents of the subdivision until such time as the conditions causing the unsuitability are corrected.
- 03. Preservation of natural features. Natural features that add aesthetic value to the development of the subdivision and the community, such as trees or shrubs, natural streams, hilltops and scenic views should be preserved wherever reasonably possible.
- 04. Future public use areas. Where a proposed park, playground, school or other public use is shown in the comprehensive plan of the city, school district, or other public agency, and is located in whole or in part within the

subdivision, such area shall be shown on the plan and plat. Those public agencies or governing bodies shall be given an opportunity to begin, within one year from the date of recording of the final plat, procedures to acquire or accept said acreage.

05. Type of development. The length, width and shape of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block length in residential areas shall not exceed 1,320 feet, nor have less than sufficient width to provide two tiers of lots of appropriate depth between street lines, except that one tier of lots may back onto a limited access highway, U.S., or major street, provided there is no access reservation along the rear property line and it is screen planted.

#### **14.14.020 Lot layout.**

01. General. All lots shall meet the minimum depth, width and area requirements of the Council Bluffs zoning ordinance and shall conform to the following requirements:
  - (a) Depth and width of lots reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the applicable zoning ordinance or subdivision regulations.
  - (b) Residential lots shall not directly abut onto an arterial or major street unless sole access to such street is over a local frontage or marginal access street.
  - (c) Excessive lot depth in relation to width shall be avoided. A proportion of 3 to 1 respectively shall be considered as a maximum.
  - (d) Corner lots for residential use shall have extra width to permit building setbacks on both streets as required by applicable provisions of the zoning ordinance.
  - (e) Every lot shall front or abut on a dedicated public street. Lots with access only to existing private drives or streets shall be permitted only in unusual circumstances.
  - (f) Lots at right angles to each other should be avoided wherever possible.
  - (g) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

- (h) Double frontage and reverse frontage lots shall be avoided except where necessary to overcome specific disadvantages of right-of-way, major street, or similar situation exists, in which case double frontage lots are to be preferred.
  - (i) Subdivisions shall contain no left-over pieces, corners, or remnants of land.
  - (j) Lot widths on cut-de-sacs shall be measured at the building setback line.
02. Grade and fill for lots. The subdivider shall grade all portions of the property subdivided into lots so that each lot will be usable and suitable for the erection of residential or other structures thereon. All grading and fill shall conform to the applicable city codes and regulations.

#### **14.14.030 Streets.**

01. Street system. In laying out any subdivision, the subdivider shall design the street system and all improvements after giving consideration to:
- (a) Topographic conditions and drainage.
  - (b) Public convenience and safety.
  - (c) Proposed uses of land to be served by such streets.
02. Street standards. Street standards including but not limited to right-of-way widths, cul-de-sac length and turnaround diameter, grades, sight distances, vertical curve length, and pavement width and thickness including curb and gutter shall be based upon the criteria established by the public works department.
03. Street access. Subdivisions along arterial streets shall be arranged to provide access only from a local or collector street.
04. Street layout. Streets shall be laid out in conformity with street or highway plans officially adopted by the city. Where streets are not shown as part of an official street or highway plan the arrangement of the streets in a subdivision shall either provide for the alignment and continuation or appropriate projection to existing or proposed streets.
05. Street lighting. Residential street lighting facilities are required to be provided in all subdivisions. Street lights shall be located at all street intersections, cul-de-sacs, etc., and at closer intervals if necessary. Commercial or industrial street lighting facilities shall be designed to provide uniform light distribution and shall be placed on alternate sides of interior streets and along all exterior streets.



06. Rails and posts. Guard rails or warning posts shall be placed as required by the city engineer, along the shoulder of any street.
07. Seeding. All unpaved street rights-of-way shall be seeded or sodded.

#### **14.14.040 Sidewalks/pedestrian ways.**

01. Sidewalks. Sidewalks shall be provided in all subdivisions. Standards for installation of sidewalks shall be based upon the criteria established by the public works department.
02. Pedestrian ways. Pedestrian ways, not less than ten feet wide, shall be required by the city engineer where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

#### **14.14.050 Water supply.**

01. General. The city water supply and distribution system shall be extended to serve each lot in the proposed subdivision, and a direct and individual service connection to each lot shall be provided.
02. Specifications. All city water line extensions, sizing, location, etc., shall be based upon the criteria established by the Board of Trustees of the Council Bluffs Water Works.
03. Hydrants. Any subdivision shall be required to have fire hydrants as required by the uniform fire code.

#### **14.14.060 Sanitary sewer.**

01. General. The city sanitary sewer system shall be extended to serve each lot in the proposed subdivision, and a direct and individual service connection to each lot must be provided.
02. Specifications. All city sanitary sewer extensions shall be constructed based upon criteria established by the public works department.

#### **14.14.070 Storm sewer.**

01. General. Adequate storm sewer systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins and be connected to an approved

outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being platted, considering but not limited to the use of existing drainage channels whenever possible.

02. Design. The design of the drainage system shall consider the storm drainage area of which the subdivision is a part and existing watercourses.
03. Specifications. All storm drainage facilities shall be constructed based upon the criteria established by the Public Works Department.

**14.14.080 Easements.** Easements shall be provided for utility service, including storm sewer drainage where necessary. Easements for sanitary sewer, storm sewer facilities, and water supply and distribution lines shall be at least twenty feet in width, and other easements shall be at least ten feet in width, all easements shall be established where practicable at the rear of each lot and along such other lot lines to provide continuity of alignment from block to block. However, the combined width of such easements shall be equally divided between adjoining lots within any proposed subdivision.

01. All utility distribution lines for telephone and electric service to be installed shall be placed underground within easements or declared public ways. The installation of such facilities shall be made in compliance with applicable orders, rules and regulations of the state of Iowa now or hereafter effective, and the owner or subdivider of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities.
02. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access for construction and maintenance equipment.
03. A screen planting easement may be required between residential and commercial or industrial lots, or along lot lines to discourage the undesirable development of residential lots fronting on traffic arteries. If such easement is to be used for public utilities, additional width may be required to assure that maintenance of the utilities would not be detrimental to the plantings.
04. Temporary turn-around easements shall be reserved for street purposes until the extension of the street is publicly dedicated. The temporary easement shall then be considered automatically vacated for such use and purpose and the land shall revert back to the adjacent property

owners.

05. Parks situated in the interior of blocks shall have direct and public access to surrounding streets by an easement at least twenty feet wide, and shall be covered by agreements as to maintenance.

**14.14.090 Larger utility capacity.** Where required in the overall utility planning, as evidenced by the comprehensive plan for sanitary sewers, any subdivision improvement shall be larger than necessary to serve the immediate subdivision adequately in which case an agreement between the city and the subdivider may be made to repay the construction cost resulting from the increased design. This shall apply, but not limited to, collector sewers, lift stations, disposal facilities, etc. Water mains require an agreement between Council Bluffs Water Works Board of Trustees and the subdivider.

**14.14.100 Monuments.**

01. The surveyor shall confirm the prior establishment of control monuments at each controlling corner on the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of each monument which the surveyor places. Under normal and most conditions, all monuments placed will be steel reinforcing bars, with minimum dimensions of 5/8 inch diameter and 30 inches long with aluminum alloy caps securely attached to their tops. Said caps shall have a minimum socket length of 1 1/2 inches and be lined with a plastic insulator.
02. Control monuments shall be placed at the following locations:
  - (a) Each corner and angle point of each lot, block, or parcel of land surveyed.
  - (b) Each point of intersection of the outer boundary of the survey with an existing or created right-of-way line of a street, railroad, or other way.
  - (c) Each point of curve, tangency, reversed curve, or compounded curve on each right-of-way line and lot line established.

03. If the placement of a monument required by this chapter at the prescribed location is impractical, a reference monument shall be established near the prescribed location. If a point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor.
04. Only a minimum number of survey control monuments are required to be placed before the recording of a subdivision provided the surveyor includes in the surveyor's statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.

**14.14.110 Protective covenants.** The city council, following review and comment by the city planning commission, shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding the matter be incorporated in the protective covenants. Such regulations shall be intended to protect the character and value of surrounding development and shall also tend to secure the most appropriate character of development on the property which is subdivided.